



UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
J. Mark Coulson
U.S. Magistrate Judge

101 West Lombard Street
Baltimore, Maryland 21201
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Phone: (410) 962-4953
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June 10, 2024

LETTER TO COUNSEL

ORDER SCHEDULING SETTLEMENT CONFERENCE

RE: *Jones et al v. University of Maryland Baltimore County et al*
Civil No.: 1:23-cv-03261-BAH

Dear Counsel:

The above referenced case has been referred to me to conduct a settlement conference. Based on your communications with my Chambers' staff, I understand that all participants are available on **Monday, September 30, 2024, at 10:00 a.m.**, and that you have chosen to proceed virtually. Accordingly, the conference will go forward on that date, and it will be held via ZOOMGOV. **Please forward to my Chambers as soon as possible the names of the attendees and their email addresses for the ZOOMGOV set up.** Please review this letter carefully, as it is an Order of the Court that establishes certain prerequisites that must be fulfilled prior to the commencement of the settlement conference.

Virtual Settlement Conference Protocol:

PRIVACY AND CONFIDENTIALITY

All participants and attendees in this mediation, including every person who may participate by telephone, video, e-mail, text, or other means, agree that all communications related to the mediation, and all negotiations and settlement discussions, communicated in any medium, are private and confidential.

Northern Division • 4228 U.S. Courthouse • 101 W. Lombard Street • Baltimore, Maryland 21201 • 410-962-2600

Southern Division • 200 U.S. Courthouse • 6500 Cherrywood Lane • Greenbelt, Maryland 20770 • 301-344-0660

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ASBOLUTE PROHIBITION ON RECORDING

You, or anyone on your behalf, may NOT audio or video record any mediation session or portion thereof. If you learn of an audio or video recording of any session, you shall take immediate measures to destroy the recording and will not disseminate the recording to third parties. You further agree that you will not transmit a live or deferred video or audio relay of the online mediation sessions to third parties.

INADVERTANT PRIVACY FAILURE

In the unlikely event that you are placed into what is meant to be a private and confidential space such as a “breakout room” and find that you nonetheless can hear or otherwise have access to the confidential conversations or information of others, you should immediately take steps to correct this and immediately contact the mediator.

It is essential that the parties, or in the case of a corporation, partnership, or government entity, a representative, with complete authority to enter into a binding settlement, be present on the ZOOM conference. A person with “complete authority” is someone who has the experience and judgment to exercise that authority without having to consult with anyone who is not in attendance at the settlement conference. Please note that non-parties (other than counsel) should not attend the ZOOM absent prior approval from opposing counsel and the Court. Please also be advised that the conference should conclude by **4:00 p.m.**, and all those in attendance should plan accordingly.

I would like to receive a short *ex parte* letter by email (mdd_jmcchambers@mdd.uscourts.gov) **September 16, 2024**. The *ex parte* letter should NOT EXCEED FIVE PAGES, from each party and should candidly set forth the following:

- (1) facts you believe you can prove at trial;
- (2) the major weaknesses in each side’s case, both factual and legal;
- (3) reference to any pending dispositive or other motions that would have a significant effect on settlement for the Court to review prior to settlement (please include a copy of the motion(s) and the docket number(s) and highlight and tab the relevant portions);
- (4) an evaluation of the maximum and minimum damage awards you believe likely, and the mount of any existing liens;
- (5) the history of any settlement negotiations to date;

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(6) estimate of attorneys' fees and costs of litigation through trial; and

(7) the name and title of the individual(s) who will be attending the conference.

The letters may be submitted *ex parte* and will be solely for my use in preparing for the settlement conference. I also will review select pleadings in the court file. Additionally, if you want me to review any case authorities that you believe are critical to your evaluation of the case, please identify. If you want me to review any exhibits or deposition excerpts, please attach a copy to your letter by email. A paper copy of all attachments exceeding 25 pages should be mailed or hand delivered to chambers.

Since settlement conferences are often more productive if the parties have previously exchanged demands and offers and have made a good faith effort to settle the case on their own, I require that the plaintiff submit a written itemization of damages and a settlement demand to the defendant no later than one month prior to the settlement conference. The defendant shall submit a written offer to the plaintiff and any alternate itemization of damages within one week of receiving the demand or no later than three weeks prior to the settlement conference, whichever is later. Thereafter, the parties should continue to engage in negotiations. The correspondence between the parties shall be included with the *ex parte* letters submitted to the Court.

**FAILURE TO COMPLY WITHOUT JUSTIFICATION MAY RESULT IN THE
IMPOSITION OF SANCTIONS**

If counsel believes that a telephone conference prior to **September 30, 2024**, would make the settlement conference more productive, please contact my judicial assistant, Debbie Wengert-Rippetoe (Deborah.Wengert-Rippetoe@mdd.uscourts.gov), to make arrangements.

The settlement conference process will be confidential, and disclosure of confidential dispute resolution communications is prohibited. See 28 U.S.C. § 652(d); Local Rule 607.4.

Notwithstanding the informal nature of this letter, it is an Order of the Court and the Clerk is directed to docket it as such.

I look forward to seeing you on **September 30, 2024**.

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Sincerely yours,

A handwritten signature in blue ink, appearing to read "J. Mark Coulson".

J. Mark Coulson
United States Magistrate Judge

cc: Court File
The Honorable Brendan A. Hurson